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26 CALIFORNIANS FOR  
27 ALTERNATIVES TO TOXICS

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

CALIFORNIANS FOR ALTERNATIVES TO Case No.: 3:24-cv-06632-SI  
TOXICS,

Plaintiff,

v.

TRAVIS MOREDA DAIRY and TRAVIS  
MOREDA,

Defendants.

DECLARATION OF PATRICIA CLARY IN  
SUPPORT OF PLAINTIFF'S OPPOSITION  
TO DEFENDANTS' MOTION TO DISMISS

1 I, Patricia Clary, make this declaration from personal knowledge. If called, I could and  
2 would testify competently as follows:

3 1. I have been a member of Plaintiff, Californians for Alternatives to Toxics  
4 (“CAT”) since 1984. I have been the Executive Director of CAT since 1988. CAT has  
5 members from all over California. CAT represents its members’ recreational, conservation and  
6 public health interests through grass roots organizing, commenting on agency actions, through  
7 research and publication of reports, participating on administrative, governmental and  
8 international committees that seek solutions to environmental problems, and, when needed,  
9 through litigation.

10 2. The landscape at issue in this case – the Tomales Bay watershed – is very near  
11 and dear to my heart. I grew up as part of a very large extended family that has been rooted in  
12 Sonoma County since shortly after the Gold Rush. My great grandfather, Jackson Temple, rode  
13 the judicial circuit in Sonoma County during the Nineteenth Century and eventually became  
14 the first Sonoma County Superior Court judge. A few years ago, our extended family held a  
15 family reunion attended by 122 family members at Hood House, at the foot of Hood Mountain,  
16 which was the home of my great, great, great uncle, William Hood, who landed in San  
17 Francisco in 1848. Both of my parents lived in Santa Rosa until they died, and I still have  
18 many cousins who live in the vicinity of Tomales Bay.

19 3. From the time I was a child until I left home, it was a tradition in our nuclear  
20 family for my dad to take the family for Sunday drives in and around southern Sonoma and  
21 northern Marin Counties – at the center of which was the stretch of road from Tomales Bay to  
22 Bodega Bay. This landscape is imprinted in my brain and in my heart; it is part of the fabric of  
23 my life. It is something I think about often. To go there conjures feelings and memories of the  
24 many times I have spent there with family and other loved ones. All my life, even when I was  
25 living in Oregon or New Mexico, I would return to the southern Sonoma/northern Marin area  
26 to spend time with friends and family. These visits are not like a doctor’s appointment or a  
27 business meeting; visiting family and friends does not operate according to a formal schedule  
28 or calendar. Nevertheless, visiting the places I grew up in is something I intend to keep doing

1 for the rest of my life. And while making those visits, I fully intend to share local meals with  
2 my loved ones.

3 4. In 1968 I took a job working at the Marshall Hotel and Inn, which was on the  
4 northeast shore of Tomales Bay and approximately a mile-and-a-half from the mouth of  
5 Walker Creek, which is the receiving water for discharges from Defendant's dairy operation. I  
6 helped open, and I lived above, the restaurant at the Marshall Inn for eight months until I had  
7 to quit because I contracted hepatitis, which I understand can be transmitted through  
8 contaminated food or water.

9 5. In my youth, I spent many happy hours sailing on Tomales Bay and visiting  
10 friends at a nearby ranch. I still have old friends and family who live in southern Sonoma and  
11 northern Marin counties, and I often return to the area to visit them. On one recent occasion, a  
12 friend and I returned to Walker Creek and Tomales Bay to see what had changed and what was  
13 the same. I often visit my friends and family members who continue to live in the area.

14 6. These social visits are often the occasion for going out to eat and there are  
15 many restaurants in the area that serve seafood, including oysters. Examples are the Marshall  
16 Store, Tony's Seafood, and Mabel's Restaurant and Patio. I have also recently dined at a sushi  
17 restaurant in Petaluma. In the past I would eat oysters raw, grilled or in soups and stews. Our  
18 family has had a Christmas tradition of cooking a seafood gumbo as part of our Christmas  
19 dinner. The recipe (from Paul Prudhomme's Cajun cookbook) calls for oysters and we  
20 certainly included oysters to the gumbo and ate them with pleasure.

21 7. Beginning in the 1980s, as my involvement with the environmental movement  
22 grew, I began to learn that concentrated animal feeding operations ("CAFOs") often discharge  
23 feces from their operations into nearby waterways. I learned that, for example, cow manure  
24 can contain numerous pathogens, including bacteria like *E. coli*, *Salmonella*, *Listeria*,  
25 *Campylobacter*, and *Clostridium* species, as well as parasites such as *Giardia*,  
26 *Cryptosporidium* and *Entamoeba histolytica*. At some point, I learned that during manure and  
27 sewage spills, the authorities often shut down oyster beds and other mariculture until the  
28 pollution has passed. This led me to learn that one can ingest fecal pathogens when eating

1 oysters that have been exposed to those pathogens. Over the past ten years or so, I have also  
2 learned that many of the CAFOs, including Defendants' CAFO, in the Walker Creek and larger  
3 Tomales Bay watersheds discharge substantial amounts of animal feces to Walker Creek. I am  
4 concerned that these discharges, including the discharges from Defendants' CAFO, contain  
5 pollutants that contaminate the seafood I used to enjoy from Tomales Bay. As the truism goes,  
6 feces flows downhill, and Tomales Bay is downhill of Walker Creek.

7 8. Since I have learned of the potential danger of eating oysters, and since I  
8 learned of the animal feces problem in the Tomales Bay watershed, I have refrained from  
9 eating oysters if they may have been raised in Tomales Bay. I resent that I have had to give up  
10 oysters because of the feces that flows from CAFOs like Defendants to Walker Creek, but my  
11 experience with hepatitis while living at the Marshall Hotel and Inn (which served Tomales  
12 Bay oysters) impels me to keep a wide distance between myself and oysters (and other  
13 seafood) that may have come from Tomales Bay. In addition, and for these same reasons, I no  
14 longer sail or have any recreational water contact with Tomales Bay. Discharges from facilities  
15 such as Defendants, and from Defendants' dairy in particular, have harmed my recreational  
16 enjoyment of Tomales Bay.

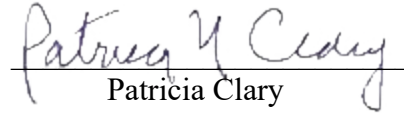
17 9. I have also been informed and believe that Walker Creek is, basically, dead to  
18 fish and other more complex water organisms. I have to say that it broke my heart to learn  
19 this. I am concerned that the discharges from Defendants' CAFO contain pollutants that harm  
20 the birds, fish, and mammals in Walker Creek and Tomales Bay, for which I have a deep love  
21 and respect, and with which I have a profound emotional attachment. The pollution caused by  
22 Defendants' discharges prevents me from fully enjoying the aesthetic and recreational  
23 activities that would like to engage in at Tomales Bay.

24 10. It is my hope, and my belief, that step by step and CAFO by CAFO, the fecal  
25 pollution of Walker Creek and Tomales Bay can be reduced to the extent that I will once again  
26 be able to sail on, wade in, and eat, seafood from Tomales Bay.

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1 I swear under penalty of perjury under the laws of the United States that the foregoing  
2 is true and correct and that this declaration was executed on October 9, 2025 at Arcata,  
3 California.

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5 Patricia Clary  
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